GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:205
ANSWERED ON:18.07.2016
Review of SEP Policy
Gopal Dr. K.;Vanaroja Smt. R.

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether various industry fora have reiterated that there is no need for the Government to review the policy on Standard Essential Patents (SEP) and Fair Reasonable and Non-Discrimination (FRAND) terms and if so, the details thereof and the reasons therefor;

(b) whether the industry forums are of the view that it is needed to strengthen our existing IPR policies and patents laws rather than take up consultation of settled aspects and consider dilution of existing policies and if so, the details thereof;

(c) whether the Government is aware of the apprehensions that the adoption of any other type of SEP policy could result in dilution of IPR value disproportionately and lead to other serious consequences and if so, the reaction of the Government thereto; and

(d) whether the SEPs are basic technologies that are crucial in building a product or service and if so, the details thereof?

Answer

???????? ??? ?????? ???????????? (????????? ??????)(??????? ??????? ???????)
THE MINISTER OF STATE (INDEPENDENT CHARGE)
OF THE MINISTRY OF COMMERCE & INDUSTRY
(SHRIMATI NIRMALA SITHARAMAN)

(a) to (c): The National Intellectual Property Rights Policy has, as one of the action points, a proposal to 'Examine availability of Standard Essential Patents (SEPs) on fair, reasonable and non-discriminatory (FRAND) terms'. A discussion paper on SEPs and FRAND was placed on the website of the Department of Industrial Policy and Promotion to invite views and comments of all the stakeholders on issues related to SEPs. The views received in the matter from various stakeholders in response to this discussion paper are under examination.

(d): A Standard Essential Patent is a patent that claims an invention that must be used to comply with a standard. Standards frequently make reference to technologies that are protected by patents. Thus manufacture of standard-compliant products requires use of technologies covered by one or more SEPs.
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